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10/004,295	12/06/2001	Michael D. Bass	19421.00	8611

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EXAMINER	
TRAN, MAI T	
ART UNIT	**PAPER NUMBER**
2121	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Offic Action Summary	Application No.	Applicant(s)	
	10/004,295	BASS ET AL.	
	Examiner	Art Unit	
	Mai T. Tran	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/6/01*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This Office Action is responsive to application 10004295, filed December 6, 2001.

Claims 1-19 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **1-3, 6-7, 10-12, 15-16**, and **19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon, U.S. Patent No. 6,498,920 hereafter Simon, and further in view of Blumer, U.S. Patent No. 6,189,019 hereafter Blumer.

Claim 1

Simon teaches a computer software product that includes a medium readable by a processor, the medium having stored thereon a set of instructions

for creating and implementing an architecture for designing a job training program for an organization, comprising:

a) a first sequence of instructions which, when executed by the processor, causes said processor to provide a set of analysis templates prompting a user for information for assessing the organization's needs, capacities, and resources, and for saving the user's responses to said templates in serialized objects (col. 3, lines 39-42). (It is considered that the needs of the individual are organizational needs since the individual is a part of the organization);

b) a second sequence of instructions which, when executed by the processor, causes said processor to provide a set of design templates based upon a rule-based system analysis of the user's responses to said analysis templates which prompt the user for information tailored to a web-based instructional course for the organization, and causes said processor to receive the user's responses to said templates, and to store the user's responses in serialized objects (col. 4, lines 4-9). (Design templates are part of the original templates); and

c) a third sequence of instructions which, when executed by the processor, causes said processor to parse the serialized objects, provide the user with an outline tree of a web-based instructional course and with nodes having content supplied by the serialized objects, accept user editing of the outline tree and natural language editing of the nodes, and generate a web

application implementing a job training course from the edited outline tree and nodes.

Simon fails to teach an outline tree of a web-based instructional course. Blumer teaches an outline view of web documents. This method produces an easy to use, uncluttered screen display. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to combine Simon in view of Blumer for the purpose of representing linked documents in an easy to use, uncluttered screen display.

Claim 2

Simon teaches the computer software product according to claim 1, further comprising a fourth sequence of instructions which, when executed by the processor, causes said processor to provide a set of guidelines for carrying out an analysis phase, a design phase, a development phase, an implementation/delivery phase, and an evaluation/maintenance phase for assessing the organization's job training and performance needs, the guidelines being accessible by said first, second and third sets of instructions (col. 4, lines 32-35).

Claim 3

Simon teaches the computer software product according to claim 1, wherein said first, second, and third sets of instructions are capable of being deployed on a computer network (col. 3, lines 7-24) and of being edited by multiple users in both synchronous and asynchronous modes in order to produce a web application for job training and performance by collaborative effort (col. 6,

lines 13-14). A representative is not considered to be a single individual but anyone authorized by the company to edit since all that is required is an authorization. Whether both individuals are in the same room and/or logged on at the same time is merely a matter of choice and convenience for the individuals.

Claim 6

Simon teaches the computer software product according to claim 1, wherein said third set of instructions further includes a set of instructions for permitting a user to supplement course material with tests, including user supplied questions and designations of correct answers (col. 5, lines 15-16), points assignments to the questions, standards for acceptable course progress (col. 5, line 26), and feedback for learners (col. 5, lines 29-30). Points assignments are considered to be equal for all questions.

Claim 7

Simon teaches the computer software product according to claim 1, wherein said third set of instructions further includes at least one application program interface function for integrating a course produced by said third set of instructions with a learning management system.

All computer-based training requires that the course work be loaded on to the computer and this is true of the system of Simon.

Claim 10

Simon teaches an automated job training and performance tool for designing a job training program for an organization, comprising:

a) a computer having a microprocessor, an area of main memory for executing program code under the direction of the microprocessor, and a disk storage device for storing data and program code;

b) data input means for entering data input cognizable by said microprocessor;

c) a software program code stored in said disk storage device and executing in main memory under the direction of said microprocessor, the software program including:

i) analysis template means for providing a set of analysis templates prompting a user for information for assessing the organization's needs, capacities, and resources, and for saving the user's responses to said templates in serialized objects (col. 3, lines 39-42). (It is considered that the needs of the individual are organizational needs since the individual is a part of the organization);

ii) design template means for providing a set of design templates based upon a rule-based system analysis of the user's responses to said analysis templates which prompt the user for information tailored to a web-based instructional course for the organization, and causes said processor to receive the user's responses to said templates, and to store the user's responses in serialized objects (col. 4, lines 4-9). (Design templates are part of the original template); and

iii) web author means for parsing the serialized objects, providing the user with an outline tree of a web-based instructional course and

with nodes having content supplied by the serialized objects, accepting user editing of the outline tree and natural language editing of the nodes, and generate a web application implementing a job training course from the edited outline tree and nodes.

Simon fails to teach an outline tree of a web-based instructional course. Blumer teaches an outline view of web documents. This method produces an easy to use, uncluttered screen display. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to combine Simon in view of Blumer for the purpose of representing linked documents in an easy to use, uncluttered screen display.

Claim 11

Simon teaches the automated job training and performance tool according to claim 10, wherein said software program code further comprises means for providing a set of guidelines for carrying out an analysis phase, a design phase, a development phase, an implementation/delivery phase, and an evaluation/maintenance phase for assessing the organization's job training and performance needs, the guidelines being accessible by said analysis template means, said design template means and said web author means (col. 4, lines 32-35).

Claim 12

Simon teaches the automated job training and performance tool according to claim 10, wherein said analysis template means, said design template means, and said web author means are capable of being deployed on a computer

network (col. 3, lines 7-24) and of being edited by multiple users in both synchronous and asynchronous modes in order to produce a web application for job training and performance by collaborative effort (col. 6, lines 13-14). A representative is not considered to be a single individual but anyone authorized by the company to edit since all that is required is an authorization. Whether both individuals are in the same room and/or logged on at the same time is merely a matter of choice and convenience for the individuals.

Claim 15

Simon teaches the automated job training and performance tool according to claim 10, wherein said web author means further includes means for permitting a user to supplement course material with tests, including user supplied questions and designations of correct answers (col. 5, lines 15-16), points assignments to the questions, standards for acceptable course progress (col. 5, line 26), and feedback for learners (col. 5, lines 29-30). Points assignments are considered to be equal for all questions.

Claim 16

Simon teaches the automated job training and performance tool according to claim 10, wherein said web author means further includes at least one application program interface function for integrating a course produced by said web author means with a learning management system.

All computer-based training requires that the course work be loaded on to the computer and this is true of the system of Simon.

Claim 19

Simon teaches a computer software product that includes a medium readable by a processor, the medium having stored thereon a set of instructions for creating and implementing an architecture for designing a job training program for an organization, comprising:

a) a first sequence of instructions which, when executed by the processor, causes said processor to provide a set of analysis templates based upon rules-based systems prompting a user for information for assessing the organization's needs, capacities, and resources, and causes said processor to receive the user's responses to said templates in serialized objects, and compiles, weights, calculates, filters/sorts the user's responses (col. 3, lines 31-36). (It is considered that the needs of the individual are organizational needs since the individual is a part of the organization);

b) a second sequence of instructions which, when executed by the processor, causes said processor to provide a set of design templates based upon a rule-based systems for the user's responses to said analysis templates and to said design templates which prompt the user for information tailored to delivery systems and instructional strategies for courses for the organization, and causes said processor to receive the user's responses to said templates in serialized objects and compiles, weights, calculates, filters/sorts the user's responses in order to produce a design plan for courses (col. 4, lines 4-9). (Design templates are part of the original templates); and

c) a third sequence of instructions which, when executed by the processor, causes said processor to parse the serialized objects, provide the user with an outline tree of a web-based instructional course and with nodes having content supplied by the serialized objects, accept user editing of the outline tree and natural language editing of the nodes, and generate a web application implementing a job training course from the edited outline tree and nodes.

Simon fails to teach an outline tree of a web-based instructional course. Blumer teaches an outline view of web documents. This method produces an easy to use, uncluttered screen display. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to combine Simon in view of Blumer for the purpose of representing linked documents in an easy to use, uncluttered screen display.

Claims **4-5** and **13-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon, Blumer, and further in view of Papadopoulos, U.S. Patent No. 6,099,320 hereafter Papadopoulos.

Claim 4

The computer software product according to claim 1, wherein said second set of instructions further includes instructions for:

a) developing and sequencing objectives (col. 7 lines 35-39);

b) specifying instructional strategies and methods (col. 7 lines 52-55);

c) evaluating instructional objectives (col. 7, lines 65-67); and

d) examine organizational issues (col. 7, lines 47-49).

Simon fails to teach how to develop and sequence objectives, how to specify instructional strategies and methods, how to evaluate instructional objectives, and how to examine organizational issues. Papadopoulos teaches how to develop and sequence objectives, how to specify instructional strategies and methods, how to evaluate instructional objectives, and how to examine organizational issues. These steps help to define an appropriate curriculum for the trainees, and also help with budgeting and justifying additional funding of the training program. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to combine Simon in view of Papadopoulos for the purpose of defining an appropriate curriculum for the trainees, and help with budgeting and justifying additional funding of the training program.

Claim 5

The computer software product according to claim 1, wherein said third set of instructions further includes a set of instructions for permitting a user to supplement textual material with graphics files, audio files, video files and multimedia files (abstract).

Simon fails to teach the supplement textual material with graphics files, audio files, video files and multimedia files. Papadopoulos teaches the supplement textual material with various media for the purpose of creating a complex instruction for a particular operation. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's

invention to combine Simon in view of Papadopoulos for the purpose of creating a complex instruction for a particular operation.

Claim 13

The automated job training and performance tool according to claim 10 wherein said design template means further includes means for:

a) developing and sequencing objectives (col. 7 lines 35-39);

b) specifying instructional strategies and methods (col. 7 lines 52-55);

c) evaluating instructional objectives (col. 7, lines 65-67); and

d) examine organizational issues (col. 7, lines 47-49).

Simon fails to teach how to develop and sequence objectives, how to specify instructional strategies and methods, how to evaluate instructional objectives, and how to examine organizational issues. Papadopoulos teaches how to develop and sequence objectives, how to specify instructional strategies and methods, how to evaluate instructional objectives, and how to examine organizational issues. These steps help to define an appropriate curriculum for the trainees, and also help with budgeting and justifying additional funding of the training program. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to combine Simon in view of Papadopoulos for the purpose of defining an appropriate curriculum for the trainees, and help with budgeting and justifying additional funding of the training program.

Claim 14

The automated job training and performance tool according to claim 10, wherein said web author means further includes means for permitting a user to supplement textual material with graphics files, audio files, video files and multimedia files (abstract).

Simon fails to teach the supplement textual material with graphics files, audio files, video files and multimedia files. Papadopoulos teaches the supplement textual material with various media for the purpose of creating a complex instruction for a particular operation. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to combine Simon in view of Papadopoulos for the purpose of creating a complex instruction for a particular operation.

Claims **8-9** and **17-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Simon, Blumer, and further in view of "Pathlore Learning Management System fills 'skills gaps' through strategic partnership with SkillScape" printed in Business Wire.

Claim 8

The computer software product according to claim 1, wherein said first set of instructions further includes instructions for:

a) needs assessment;

b) needs analysis;

c) education analysis;

d) learning analysis;

e) job analysis;

f) task analysis;

g) learner analysis;

h) resource analysis; and

i) existing materials analysis.

Simon fails to teach needs assessment, needs analysis, education analysis, learning analysis, job analysis, task analysis, learner analysis, resource analysis, and existing materials analysis. Business Wire teaches needs assessment, needs analysis, education analysis, learning analysis, job analysis, task analysis, learner analysis, resource analysis, and existing materials analysis (Paragraph 4: "Competency ....business problem) to help organizations improve their competitiveness by using the Internet for learning and sharing knowledge with their employees, customers, and suppliers. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to combine Simon in view of Business Wire to accomplish this goal.

Claim 9

The computer software product according to claim 1, wherein said third set of instructions further includes a set of instructions capable of producing a web application job training course permitting multiple learners to access the course synchronously and asynchronously for collaborative job training.

Simon fails to teach learners to access the course synchronously and asynchronously for collaborative job training. Business Wire teaches learners to

access the course synchronously (paragraph 5, As the digital backbone ... collaborative events), and asynchronously for collaborative job training (paragraph 5, register ... skills assessments). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to combine Simon in view of Business Wire to add more value to their e-Learning initiatives.

Claim 17

The automated job training and performance tool according to claim 10, wherein said analysis template means further includes means for:

a) assessing needs;

b) analyzing needs;

c) analyzing education;

d) analyzing learning;

e) analyzing jobs;

f) analyzing tasks;

g) analyzing learners;

h) analyzing resources; and

i) analyzing existing materials.

Simon fails to teach needs assessment, needs analysis, education analysis, learning analysis, job analysis, task analysis, learner analysis, resource analysis, and existing materials analysis. Business Wire teaches needs assessment, needs analysis, education analysis, learning analysis, job analysis, task analysis, learner analysis, resource analysis, and existing materials analysis

(Paragraph 4: "Competency ....business problem) to help organizations improve their competitiveness by using the Internet for learning and sharing knowledge with their employees, customers, and suppliers. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to combine Simon in view of Business Wire to accomplish this goal.

Claim 18

The automated job training and performance tool according to claim 10, wherein said web author means further includes means capable of producing a web application job training course permitting multiple learners to access the course synchronously and asynchronously for collaborative job training.

Simon fails to teach learners to access the course synchronously and asynchronously for collaborative job training. Business Wire teaches learners to access the course synchronously (paragraph 5, As the digital backbone ... collaborative events), and asynchronously for collaborative job training (paragraph 5, register ... skills assessments). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to combine Simon in view of Business Wire to add more value to their e-Learning initiatives.

Conclusion

The following is prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

1. Loftin et al., U.S. Patent No. 5,311,422

2. Hitchcock et al., U.S. Patent No. 5,823,781
3. Havens, U.S. Patent No. 5,924,072
4. Barney et al., U.S. Patent No. 6,070,143
5. Hollingworth, U.S. Patent No. 6,157,808
6. "Training for Employment – A Systematic Approach" by Clifton P. Campbell, Journal of European Industrial Training v9n4, 1985.
7. "Reusable Learning and Information Atoms Approach to Web-based Education" by V. Uskov and M. Uskova, International Journal of Computers and Applications, v25n3, 2003, pages 188-197.
8. "Portera Announces New Partnership With LearningAction; Portera's Professional Services Automation Solution, ServicePort, Enhanced With More Leading Training Content", Business Wire, p0292, August 15, 2000.
9. "Click2learn.com Unveils Ingenium 5.0 Learning Management System; Major upgrade manages e-Learning and instructor-led training in single platform", Business Wire, p0169, February 9, 2000.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mai T. Tran whose telephone number is (571) 272-4238. The examiner can normally be reached on M-F 8:30am -- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.T
Patent Examiner
Date: 12/22/04

Anthony Knight
Supervisory Patent Examiner
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